

Massachusetts Seasonal Communities Advisory Council By-Laws

The following are the by-laws for the organization and operation of the Seasonal Communities Advisory Council pursuant to G.L. c. 23B, § 32.

ARTICLE 1. ESTABLISHMENT AND NAME

The Seasonal Communities Advisory Council is established under G.L. 23B, § 32 and may be referred to as the “Council.”

ARTICLE 2. PURPOSE

These by-laws shall govern the organization and operation of the Council in carrying out its duties pursuant to G.L. c. 23B, § 32 (the “Statute”), together with any applicable regulations and guidelines adopted by the Executive Office of Housing and Livable Communities (“EOHLC”). The Council shall advise and make recommendations to EOHLC on issues pertaining to seasonal communities.

ARTICLE 3. POWERS AND DUTIES.

3.1 Statutory Powers and Duties

The duties and responsibilities of the Council are those as stated in G.L. c. 23B, § 32.

3.2 Reporting

Pursuant to G.L. c 23B, § 32(c), the Council shall submit annually, not later than December 31st, a report of recommendations to EOHLC, the Clerks of the House of Representatives and the Senate and the Joint Committee on Housing.

ARTICLE 4. ADDITIONAL GENERAL POWERS.

Except as otherwise prohibited by law, the Council shall have the following additional general authority:

4.1 Adopt and Amend Bylaws.

The Council shall have the power to amend, repeal or adopt these By-Laws by a two-thirds (2/3) vote of the members at a Council meeting at which a quorum of members is present. Amendments must be provided to the Council at least five (5) business days in advance of the meeting at which the proposed amendment will be voted on.

4.2 Committees.

The Council may establish committees, subcommittees and working groups to investigate issues of interest to seasonal communities.

ARTICLE 5. APPOINTMENT AND COMPOSITION OF THE COUNCIL.

5.1 Council Composition.

(A) Pursuant to G.L. c. 23B, § 32(c), the Council shall consist of the following members (each a “Member”):

- (i) The Secretary of EOHLC, or their designee, who shall serve as chair.
- (ii) Three (3) Members to be appointed as follows:
 - a. 1 member of the senate appointed by the senate president, who represents a district in which at least 1 municipality is designated as a seasonal community;
 - b. 1 member of the house of representatives appointed by the speaker of the house of representatives, who represents a district in which at least 1 municipality is designated as a seasonal community; and
 - c. 1 person appointed by the Massachusetts Municipal Association, Inc.;
- (iii) Members appointed by the Secretary of EOHLC:
 - a. 1 person who shall be a representative of the developer community and is a resident of a municipality designated as a seasonal community;
 - b. 1 person who shall be a licensed real estate agent with the board of registration of real estate brokers and salespersons and is a resident of a municipality designated as a seasonal community;
 - c. 1 person to represent each regional planning agency whose jurisdiction encompasses at least 1 municipality designated as a seasonal community;
 - d. 1 licensed attorney who practices in the area of land use and who is a resident of a municipality designated as a seasonal community; and
 - e. 1 person who shall be a representative of the lending and banking community and who is a resident of a municipality designated as a seasonal community.
- (iv) The Secretary of EOHLC may appoint additional Members with knowledge and with expertise in land use law, fair housing law, municipal law and operations or the housing needs of seasonal communities.

5.2 Term.

Members shall serve for terms of two (2) years and may be reappointed.

5.3 Chair.

Pursuant to G.L. c. 23B, § 32(c), the Secretary of EOHLC, or their designee, shall serve as Chair of the Council.

5.4 Vacancies.

A vacancy by expiration shall be filled in the manner of the original appointment under Section 5.1. A vacancy that is created by resignation or a reason other than by expiration shall be filled in the same manner but only for the unexpired portion of the term. The Council may suggest the names of persons to fill any vacancies. The Chair shall have the power to remove any appointee for just cause.

5.5 Designees.

In cases of emergency or significant personal hardship that prevent a Member from attending a meeting, a Member may appoint a designee to serve as their proxy. The proxy shall not have voting privileges, unless the proxy is also a Member. The Member shall submit the name of the proxy to the Chair and whether such proxy has voting privileges prior to the meeting at which the designee is to function.

ARTICLE 6 MEETINGS

6.1 Responsibility of the Chair.

The Chair, or their designee, shall arrange all meetings of the Council; notify members thereof; prepare an agenda; keep accurate records of attendance and proceedings of the Council, and transmit the recommendations and reports of the Council, as applicable, to EOHLC, the General Court, or others as appropriate.

6.2 Schedule.

Regular meetings shall be held in accordance with a schedule established by the Council, or as otherwise deemed necessary by the Council, subject to the Open Meetings Law, G.L. c. 30A, §§ 18-25. Special meetings may be called by the Chair.

6.3 Agenda.

The Chair shall post the agenda on the EOHLC website in accordance with Open Meeting requirements.

6.4 Quorum.

A simple majority of Members shall constitute a quorum.

6.5 Attendance.

Members who miss more than three consecutive meetings may be asked to become more active on the Council. In the event of further absences, the Council may decide by simple majority vote to recommend to the appointing authority that the appointment be reconsidered.

6.6 Open Meetings Requirements

Council meetings shall adhere to the applicable requirement of the Open Meetings Law, G.L. c. 30A, §§ 18-25.

6.7 Remote Participation

The Council may, by a simple majority of Members, approve, amend, or revoke remote

participation, in accordance with the requirements of 940 CMR 29.10, with that vote applying to all subsequent Council meetings.

6.8 Rules of Order

All meetings shall be governed by Robert's rules of order.

ARTICLE 7 VOTING AND MEETING RECORDS

7.1 Voting

Except as provided under 4.1, the Council will operate by majority vote. Any Member may request a vote be taken on any issue related to Council business.

7.2 Meeting Minutes.

The Chair or their designee shall compile minutes of each Council meeting, which shall be reviewed and approved by the Council and posted online in a timely manner.

ARTICLE 8 SEVERABILITY

If any provision of these by-laws is held invalid, such invalidity shall not affect other provisions of the by-laws which can be given effect without the invalid provision. These by-laws must conform with all applicable laws in place as of the date on which they are adopted by the Council.